

REMARKS/ARGUMENTS

35 U.S.C. §103

In the rejection Claims 1-6, 9-10, 19-32, and 35-36 were rejected under 35 U.S.C. §103 as being unpatentable over Berg U.S. Pat. No. 5,872,911 (hereinafter, Berg) in view of Urano, et al. U.S. Pat. No. 6,289,379 (hereinafter, Urano).

Applicants respectfully traverse the rejection.

Claims 1 and 27 recite *"requesting additional fault data ... when said core of fault data is insufficient ... and analyzing said core of fault data and said additional fault data ... without requiring historical data about said data network."*

Berg discloses that to analyze the data the invention requires historical data about the network. (See Berg, col. 1, lines 66-67).

Claims 1 and 27 distinguish over Berg by at least reciting analyzing the core of fault data *"without requiring historical data about said data network."* Berg differs from Claims 1 and 27 in that Berg necessarily requires historical data about the network in order to analyze the data. As such, Berg teaches away from analyzing the core of fault data without requiring historical data.

Furthermore, Urano is silent as to analyzing the core of fault data without requiring historical data. Urano neither discloses nor suggests analyzing data *"without requiring historical data."*

Therefore, even if Urano were to be combined with the teachings of Berg the present embodiment would not be arrived at. Consequently defects of Berg are not cured by the addition of Urano.

Moreover, the above referenced Office Action admits that Berg fails to explicitly disclose *"requesting additional fault data ... when said core of fault data is insufficient."* In order to remedy this defect, the referenced Office Action relies on Urano.

Urano discloses that when abnormal condition is detected the manager computer collects more detailed information. (See Urano, col. 5, lines 36-45). Therefore, Urano collects more information as long as abnormal condition is detected regardless of whether fault data is insufficient.

Claims 1 and 27 distinguish over Urano by at least reciting *"requesting additional fault data ... when said core of fault data is insufficient."* Urano on the other hand collects more information regardless of sufficiency of fault data.

Therefore, not only the combination of Berg and Urano fails to teach analyzing data *"without requiring historical data"* but the combination also fails to teach *"requesting additional fault data ... when said core of fault data is insufficient."* Accordingly, combination of Berg and Urano does not render Claims 1 and 27 obvious under 35 USC 103. As such allowance of independent Claims 1 and 27 is earnestly solicited.

Claims 2-6 and 9-10 depend from Claim 1 and Claims 28-32 and 35-36 depend from Claim 27 and are each patentable over Berg in view of Urano, under 35 USC 103, for at least the same reasons that Claims 1 and 27 are patentable.

Moreover, Claims 3 and 29 recite *“eliminating redundant fault data.”*

Berg discloses that a single fault can generate 1-100 or more alarms and to increase the efficiency, the method reduces the volume of the fault of data by type of equipment, by the severity level of the alarm, and by priority level. (See Berg, col. 3 line 40 to col. 4 line 15).

Claims 3 and 29 distinguish over Berg by at least reciting *“eliminating redundant fault data.”* Berg does not disclose eliminating redundant fault data but is instead directed to reducing the volume by type of equipment, by the severity level of the alarm, and by priority level regardless of determination of redundancy.

Accordingly, Claims 3 and 29 are patentable under 35 USC 103.

Moreover, Claims 5 and 31 recite *“plurality of fault data ... consisting of: alarms; events; remote monitoring (RMON) – 1 data; and RMON – 2 data.”*

Berg discloses that data can be fault such as alarm data, configuration such as network and equipment configuration, and performance data such as call traffic volume. (See Berg, col. 3, lines 15-30).

Claims 5 and 31 distinguish over Berg because Berg does not disclose nor suggest events, RMON – 1 data, or RMON – 2 data but is rather directed to alarm data, equipment/network configuration and performance data such as call traffic.

Accordingly, Claims 5 and 31 are patentable under 35 USC 103.

Moreover, Claims 6 and 32 recite *“determining whether said fault is due to a broken link or congestion.”*

Berg discloses that “displays are provided hourly until the fault is repaired” and is fully operational. (See Berg, col. 10, lines 1-5).

Claims 6 and 32 distinguish over Berg by at least reciting *“determining whether said fault is due to a broken link or congestion.”* Berg does not disclose nor suggest *“determining whether said fault is due to a broken link or congestion”* but rather discloses that the displays are provided and the fault is repaired.

Accordingly, Claims 6 and 32 are patentable under 35 USC 103.

Moreover, Claims 9 and 35 recite *“displaying a cause of said fault.”*

Berg discloses displaying the fault data and the impact to the analysis to a user. (See Berg, col. 5, lines 51-53 and Figures 4A and 4B).

Claims 9 and 35 distinguish over Berg by at least reciting *“displaying a cause of said fault.”* Berg does not disclose nor suggest displaying the cause of the fault but is rather directed to displaying the fault data.

Accordingly, Claims 9 and 35 are patentable under 35 USC 103.

As such, allowance of Claims 2-6, 9-10, 28-32, and 35-36 is earnestly solicited.

Independent Claim 19 is similar in scope to independent Claim 1 and is patentable over Berg in view of Urano, under 35 USC 103, at least for the same

reasons that Claim 1 is patentable. As such allowance of independent Claim 19 is earnestly solicited.

Claims 20-26 depend from independent Claim 19 and are each patentable over Berg in view of Urano, under 35 USC 103, for at least the same reasons that Claim 19 is patentable.

Moreover, Claim 23 recites *"a rule ... implemented ... for analyzing ... fault data ... that are filtered to identify said faults."*

Berg discloses that filtering is required by type of equipment, by the severity level of the alarm, and by priority level. (See Berg, col. 3 line 40 to col. 4 line 15).

Claim 23 distinguishes over Berg by at least reciting *"a rule ... implemented ... for analyzing ... fault data ... that are filtered to identify said faults."* Berg on the other hand is directed to a method of filtering and not a rule implemented for analyzing fault data. Berg does not disclose a rule for analyzing fault data.

Accordingly, Claim 23 is patentable under 35 USC 103.

Moreover, Claim 26 recites that *"performance managers is a self diagnosing network manager."*

Berg discloses that cell site controllers in addition to determining coverage area, are responsible for monitoring each of their respective cell sites. (See Berg, col. 8, lines 15-25).

Claim 26 distinguishes over Berg by at least reciting *"performance managers is a self diagnosing network manager."* Berg does not disclose nor suggest a self

diagnosing network manager but is rather directed to a controller responsible for monitoring its cell site.

Accordingly, Claim 26 is patentable under 35 USC 103.

As such allowance of Claims 20-26 is earnestly solicited.

In the rejection Claims 7 and 33 were rejected under 35 U.S.C. §103 as being unpatentable over Berg in view of Urano and in further view of Kaffine et al. U.S. Pat. No. 6,654,914 (hereinafter, Kaffine). Applicants respectfully traverse the rejection.

Claims 7 and 33 include the limitation of Claims 6 and 32 respectively which further depend from independent Claims 1 and 27 respectively. As such Claim 7 is patentable at least for the same reasons that Claims 1 and 6 are patentable. Similarly Claim 33 is patentable at least for the same reasons that Claims 27 and 32 are patentable. Shortcomings of Berg and Urano with regards to Claims 1 and 6, and Claims 27 and 32 are not remedied by the addition of Kaffine. As such, even if Kaffine discloses using a ping to determine the cause of fault, it does not remedy the deficiencies of Berg and Urano.

Accordingly Claims 7 and 33 are patentable, over Berg in view of Urano and in further view of Kaffine, under 35 USC 103. As such allowance of Claims 7 and 33 is earnestly solicited.

In the rejection Claims 8 and 34 were rejected under 35 U.S.C. §103 as being unpatentable over Berg in view of Urano and in further view of Cromer et al. U.S. Pat. No. 6,304,900 (hereinafter, Cromer). Applicants respectfully traverse the rejection.

Claims 8 and 34 include the limitation of Claims 6 and 32 respectively which further depend from independent Claims 1 and 27 respectively. As such Claim 8 is patentable at least for the same reasons that Claims 1 and 6 are patentable. Similarly, Claim 34 is patentable for at least the reasons that Claims 27 and 32 are patentable. Shortcomings of Berg and Urano with regards to Claims 1 and 6, and Claims 27 and 32 are not remedied by the addition of Cromer. As such even if Cromer discloses isolating a source of a fault if the fault is due to congestion, it does not remedy the deficiencies of Berg and Urano.

Accordingly Claims 8 and 34 are patentable over Berg in view of Urano and in further view of Cromer, under 35 USC 103. As such allowance of Claims 8 and 34 is earnestly solicited.

In the rejection Claims 11-15, 17 and 18 were rejected under 35 U.S.C. §103 as being unpatentable over Berg in view of Urano, Cromer, and Kaffine. Applicants respectfully traverse the rejection.

Claim 11 recites *“requesting additional fault data ... when said core of fault data is insufficient; ... determining whether said core of fault data and said additional fault data is due to a broken link or congestion ... without requiring historical data about said data network.”*

As discussed above, Berg teaches away from determining the core of fault data without requiring historical data and Urano neither discloses nor suggests determining data *“without requiring historical data.”* Furthermore, as mentioned before Berg does not disclose determining whether the fault is due to *“a broken link or congestion.”* As explained above the combination of Berg and Urano also fails to teach *“requesting additional fault data ... when said core of fault data is insufficient.”*

The rejection admits that Berg fails to disclose performing a ping walk and using deductive reasoning to isolate the fault data. In order to remedy Berg's failure in disclosing performing a ping walk and deductive reasoning to isolate the fault data, the rejection relies on Kaffine and Cromer. Even if Kaffine and Cromer teach performing a ping walk and deductive reasoning to isolate the fault data, they do not overcome the shortcomings of Berg and Urano as mentioned.

Accordingly, independent Claim 11 is patentable over Berg in view of Urano, Kaffine, and Cromer under 35 USC 103. As such allowance of Claim 11 is earnestly solicited.

Claims 12-15, 17 and 18 depend from independent Claim 11 and are each patentable under 35 USC 103 at least for the same reasons that Claim 11 is patentable.

Moreover, Claim 12 is similar in scope to Claim 3 and is patentable at least for the same reasons that Claim 3 is patentable. Accordingly, Claim 12 is patentable under 35 USC 103.

Furthermore, Claim 14 recite determining which addresses are unreachable and comparing it to a network topology.

Kaffine discloses that injecting test data such as ping can isolate faults in a network. (See Kaffine, col. 4, lines 1-5 and col. 7, lines 30-31).

Claim 14 distinguishes over Kaffine by at least reciting determining which addresses are unreachable and comparing it to a network topology. Kaffine does not disclose nor suggest determining unreachable addresses and comparing it to the network topology, but rather discloses that injecting test data can isolate faults.

Accordingly, Claim 14 is patentable under 35 USC 103.

Moreover, Claim 17 recites *"querying ... for additional fault data if ... fault data is insufficient."*

Urano discloses that the invention supposes the cause of an event from the contents and collects more information to prove this supposition. (See Urano, col. 2, lines 25-30).

Claim 17 distinguishes over Urano by at least reciting *"querying ... for additional fault data if ... fault data is insufficient."* Urano does not disclose nor

suggest querying for additional data if fault data is insufficient but rather collects more information regardless of whether additional information is required.

Accordingly, Claim 17 is patentable over Urano under 35 USC 103.

As such allowance of Claims 12-15, 17 and 18 is earnestly solicited.

In the rejection Claim 16 was rejected under 35 U.S.C. §103 as being unpatentable over Berg in view of Urano, Cromer, Kaffine, and Marin U.S. Pat. No. 5,936,940 (hereinafter, Marin). Applicants respectfully traverse the rejection.

Claim 16 depends from independent Claim 11 and it therefore inherits the limitations of Claim 11. As such, Claim 16 inherits deficiencies of the combination of Berg, Urano, Cromer, and Kaffine with regards to Claim 11.

The rejection admits that the combination of Berg, Kaffine, Cromer, and Urano does not disclose determining queue length, delay over a path, and load of traffic over said data network. In order to overcome these deficiency the rejection relies on Marin. However, even if Marin teaches determining queue length, delay over a path, and load of traffic over said data network, Marin does not remedy the shortcomings of Berg, Urano, Cromer, and Kaffine as discussed.

Accordingly, Claim 16 is patentable under 35 USC 103. As such allowance of Claim 16 is earnestly solicited.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected Claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-36 overcome the rejections of record and, therefore, allowance of Claims 1-36 is earnestly solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Dated: 11-9-20^s, 2005

Respectfully submitted,
WAGNER, MURABITO & HAO LLP

A handwritten signature in black ink, enclosed within an oval-shaped stamp. The signature appears to be "Amir A. Tabarrok".

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